

S.3076

6 May 1976

SUBJECT: Conversation with [redacted] DDA/ISAS/Records
Administration Branch, 6 May 1976

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S.3076 is a bill "to improve congressional oversight of the reporting and paperwork requirements of Federal departments and agencies." In order to confirm my impression that this bill, which amends 44 U.S.C. 3509 ("Plans or forms for collecting information; submission to director; approval"), would have no practical effect on or applicability toward CIA, I called [redacted] to obtain his opinion. The bill would require inter alia that forms employed by Federal agencies to collect information from the public must be specifically approved every year by the Director of the Office of Management and Budget. [redacted] after consulting with [redacted], agreed with me that since 44 U.S.C. 3509 does not now effect the Agency's use of forms, S.3076 likewise is not applicable and therefore presents us with no problems. [redacted] said that we do not now submit--nor are we required to do so--forms used in the collection or production of intelligence, etc. to OMB for approval. The only possible area in which such a provision of law might apply would be our personnel and medical forms.

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94TH CONGRESS
2D SESSION

S. 3076

IN THE SENATE OF THE UNITED STATES

MARCH 4, 1976

Mr. NUNN (for himself, Mr. ROTH, Mr. MCINTYRE, Mr. HUDDLESTON, Mr. CHILES, Mr. FANNIN, Mr. TAFT, Mr. HRUSKA, and Mr. BROCK) introduced the following bill; which was read twice and referred to the Committee on Government Operations

A BILL

To improve congressional oversight of the reporting and paperwork requirements of Federal departments and agencies.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as "The Paperwork Review and
4 Limitation Act of 1976".

5 SEC. 2. Part 5 of the Legislative Reorganization Act
6 of 1970 is amended by adding at the end thereof the follow-
7 ing new sections:

8 "PAPERWORK IMPACT STATEMENTS

9 "SEC. 254. (a) The report accompanying each bill or
10 joint resolution of a public character reported by any com-

1 mittee of the Senate or the House of Representatives (other
2 than the Committee on Appropriations of either House) shall
3 contain a 'Paperwork Impact Statement' which shall esti-
4 mate or assess—

5 “(1) the amount and character of the information
6 that will be required of private individuals and businesses
7 in order to carry out the provisions of the bill or joint
8 resolution,

9 “(2) whether such information already is being
10 gathered by and is available from other departments or
11 agencies of the Government,

12 “(3) the number and nature of the forms that will
13 be required for the purpose of gathering the information,
14 and the number of reports which would be required to be
15 made, and the records which would be required to be
16 kept, by private business enterprises as a result of en-
17 actment of the bill or joint resolution, and

18 “(4) the cost or time which would be required of
19 private business enterprises, especially small business
20 enterprises, in making such reports and keeping such
21 records.

22 “(b) It shall not be in order in either the Senate or the
23 House of Representatives to consider any such bill or joint
24 resolution if such bill or joint resolution was reported in the
25 Senate or the House, as the case may be, after the effective

1 date of this section and the report of that committee of the
2 Senate or House which reported such bill or joint resolution
3 does not comply with the provisions of subsection (a)
4 of this section.

5 “(c) For the purposes of this section, the members of
6 the Joint Committee on Atomic Energy who are Members
7 of the Senate shall be deemed to be a committee of the
8 Senate, and the members of such committee who are Mem-
9 bers of the House of Representatives shall be deemed to be
10 a committee of the House.

11 “COMMITTEE REVIEW OF PAPERWORK

12 “SEC. 255. At least once every calendar year each com-
13 mittee of the Senate and the House of Representatives shall
14 conduct a thorough review of, and report to its respective
15 House of Congress on, the reporting requirements of the
16 departments and agencies within its legislative jurisdiction,
17 including the number and character of reporting forms issued
18 and withdrawn by such departments and agencies during the
19 year. The reports required by this section shall be filed not
20 later than February 15 of each year.”.

21 SEC. 3. The table of contents of the Legislative Re-
22 organization Act of 1970 is amended by adding at the end
23 of part 5 of title II thereof the following new item:

“Sec. 254. Paperwork impact statements.

“Sec. 255. Committee review of paperwork.”.

1 SEC. 4. Section 5 of the Federal Reports Act, as amended
2 (44 U.S.C. 3509), is amended to read as follows:

3 "SEC. 5. (a) A Federal agency may not conduct or
4 sponsor the collection of information upon identical items
5 from ten or more persons, other than Federal employees,
6 unless, in advance of adoption or revision of any plans or
7 forms to be used in the collection—

8 "(1) the agency has submitted to the Director of
9 the Office of Management and Budget the plans or forms,
10 together with copies of pertinent regulations and of other
11 related materials as the Director has specified; and

12 "(2) the Director of the Office of Management and
13 Budget has approved the proposed collection of informa-
14 tion and the plans or forms to be used therein.

15 "(b) No approval by the Director for the collection of
16 information shall extend beyond the period of one calendar
17 year.

18 "(c) No agency subject to the provisions of this section
19 shall require the submission of any reporting form by a pri-
20 vate individual, group, organization, or business enterprise
21 if the approval by the Director has expired.

22 "(d) Each reporting form used pursuant to this section
23 shall have printed thereon in clearly legible and conspicuous
24 type the following information:

25 "(1) the fact that the form has been approved by

1 the Director of the Office of Management and Budget,

2 “(2) the date on which such approval expires, and

3 “(3) the fact that the form need not be submitted

4 by the respondent if the period of approval has expired

5 at the time of its receipt by the respondent.

6 “(e) Not later than the end of every calendar year

7 each Federal agency subject to the provisions of this sec-

8 tion shall submit to the Director, and to the Senate and the

9 House of Representatives, a list of all forms which are ap-

10 proved and in use by such agency, all forms which have

11 been approved for use by such agency during the calendar

12 year, and all forms which have been withdrawn by such

13 agency during the calendar year.”.

14 SEC. 5. The Director of the Office of Management and

15 Budget shall, in consultation with the Comptroller General,

16 undertake a study of the feasibility of requiring a single

17 standard form for the collection of information by all Federal

18 agencies. The Director shall report the results of the study,

19 along with any recommendations that may result therefrom,

20 to the Senate and the House of Representatives not later

21 than one year after the date of enactment of this Act.

94TH CONGRESS
2d Session

S. 3076

A BILL

To improve congressional oversight of the reporting and paperwork requirements of Federal departments and agencies.

By Mr. NUNN, Mr. ROTH, Mr. McINTYRE, Mr.
HUDDLESTON, Mr. CHILES, Mr. FANNIN, Mr.
TAFT, Mr. HRUSKA, and Mr. BROCK

MARCH 4, 1976

Read twice and referred to the Committee on
Government Operations

44 § 3508

PUBLIC PRINTING AND DOCUMENTS Ch. 35

Ch. 35

Historical and Revision Notes

Reviser's Note. Based on 44 U.S.Code, 1964 ed., Supp. II, § 423 (Dec. 24, 1942, ch. 811, § 4, 56 Stat. 1079).

Legislative History. For legislative history and purpose of Pub.L. 90-620, see 1968 U.S.Code Cong. and Adm.News, p. 4438.

Reviser's Note. 1964 ed., Supp. ch. 811, § 0, 56

Library References

Witnesses § 216.

C.J.S. Witnesses § 264.

Notes of Decisions

1. Authority for collection of information

Where the Director sought release of information from the Corps of Engineers to the Maritime Commission, the latter agency was entitled to such information

on meeting the conditions that it had "authority to collect the information itself" and such authority was "supported by legal provision for criminal penalties." 1949, 41 Op.Atty.Gen., September 28.

§ 3511.

A person shall be subject to other penalties or by the State, or in revealed b

§ 3509. Plans or forms for collecting information; submission to Director; approval

A Federal agency may not conduct or sponsor the collection of information upon identical items, from ten or more persons, other than Federal employees, unless, in advance of adoption or revision of any plans or forms to be used in the collection—

(1) the agency has submitted to the Director the plans or forms, together with copies of pertinent regulations and of other related materials as the Director of the Bureau of the Budget has specified; and

(2) the Director has stated that he does not disapprove the proposed collection of information.

Pub.L. 90-620, Oct. 22, 1968, 82 Stat. 1304.

Historical and Revision Notes

Reviser's Note. Based on 44 U.S.Code, 1964 ed., Supp. II, § 424 (Dec. 24, 1942, ch. 811, § 5, 56 Stat. 1079).

Legislative History. For legislative history and purpose of Pub.L. 90-620, see 1968 U.S.Code Cong. and Adm.News, p. 4438.

§ 3510. Rules and regulations

The Director of the Bureau of the Budget may promulgate rules and regulations necessary to carry out sections 3501-3511 of this title.

Pub.L. 90-620, Oct. 22, 1968, 82 Stat. 1305.

44 § 3508 PUBLIC PRINTING AND DOCUMENTS Ch. 35

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